

WENHAM BOARD OF SELECTMEN  
Meeting of Monday, May 6, 2014  
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen was held on MAY 6, 2014 at 7 PM in the Selectmen Chambers.

With a quorum present, Chairman Wilhelm called the meeting to order at 7 PM  
Selectmen Present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk  
Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:  
BOS Board of Selectmen  
RFP Request For Proposal

Public Information:  
Agenda  
Announcements  
Proclamation  
Fire Department – Staffing/Appointment  
Police Department – Staffing/Appointment  
Iron Rail Soccer Field – Lease  
Town of Wenham Energy Performance Contract  
Streetlight Energy Development  
Boulder Lane – Proposal for Professional Services  
OML Violation/Attorney General correspondence

### **State of the State**

Representative Brad Hill and Senator Bruce Tarr stopped by the meeting to give an update on the state budget saying an early local aid resolution was passed. Chapter 70 money was increased and Wenham will receive \$3.4 million. The commission will begin to look at the distribution formula of Chapter 70 money this year. He reported that the House/Senate funded the Transportation Bond Bill and Wenham is a priority for funding the repair of the Route 22 culvert that was damaged in the Mother's Day Storm 2006.

### **Announcements**

The 19<sup>th</sup> annual Melody Miles Road race is May 24, 2014. The race is sponsored by the HW Friends of the Arts; proceeds benefit the arts in Hamilton Wenham Schools.

*Ms. Harrison moved, and it was seconded, to approve and grant permission to conduct the 19<sup>th</sup> annual Melody Miles Road Race on Saturday, May 24, 2014 based on insurance coverage and a positive recommendation of Public Safety and Public Works. The motion carried unanimously.*

The Police and Fire Chief were present to announce that the Wenham Police and Fire Departments are hosting a senior lunch at the firehouse on May 21, 2014. Fire and police safety will be a focus.

Ms. Harrison announced she would be available for a listening session at town hall the first Tuesday of the month from 1 to 2 pm. The first date is June 3, 2014.

Pajamas & Books with Sue Shepard at the HW Library Tuesday Evenings starting 4/29 – 6 /17.

The BOS introduced and welcomed the newly elected Town Clerk, Dianne Bucco.

The Wenham museum is hosting the Annual Gala on May 10, 2014. Barbara Locke will be receiving and award for "Living the Mission".

Chairman Wilhelm announced an information discussion regarding the new Drug and Alcohol rehab facility on Topsfield Road, saying he recently learned about this organization, and was unaware of the controversy. He explained the organization is in a residential area and does not adhere to local zoning citing MGL, Dover Amendment which allows facilities like this with a primary focus of education, this being one of the exemptions.

One of the abutters, Dr. Miller, and other neighbors disagree that this program qualifies as educational and have hired Attorney Ben Tymann. Dr Miller identified himself as a direct abutter to 76 Topsfield Road. He spoke in opposition to this organization being allowed in a residential area.

Attorney Tymann referenced his letter to the Town, summarizing that education is not the predominant mission of Cross Keys, but by it's own charter is identified as drug and alcohol rehabilitation of men and should be considered as commercial or multi family housing; neither of which are permissible uses in this location. He stated the Building Inspector was asked to issue a cease and desist order as a bylaw violation. He added that even when the Dover Amendment is appropriate, there is still regulatory process to follow for applications.

Chairman Wilhelm said a meeting would be scheduled as soon as Town Counsel is available next week.

### **Pothole Blitz**

Bill Tyack, Director of the Department of Public Works, reported that the Town received \$22,000 of State aid for roadwork to repair potholes. In an effort to stretch the funds, the DPW will prep the potholes, and hire a paving company to complete the work. Crosswalks will be painted this spring.

### **Resolution**

Selectman Whittaker read and presented a Proclamation to Bruce and Andrew Palmacci for the rescue of a fisherman whose canoe had capsized on Pleasant Pond who may not have survived without this quick response.

### **Appointments - Public Safety**

Chief Blanchard noted three firefighters were appointed as provisional firefighters last year and were presented for appointment as full time firefighters through June 30, 2014 and then appointed with the department July 1, 2014 – June 30, 2015. This list is attached to the minutes.

*Vote: Ms. Harrison moved, to approve Wenham Fire Department appointment of Michael Allain, Zachary Ingraham, David Marsh, based on collective bargaining agreements that is in effect and subject to provisions thereof any applicable laws governing this process and this appointment is effective through June 2014. The motion carried unanimously.*

*Vote: Ms. Harrison moved, to approve Wenham Fire Department annual appointment list of 2014/ 2015 based on collective bargaining agreements that is in effect, and subject to provisions thereof any applicable laws governing this process and this appointment is effective through June 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, to approve Wenham Police Department annual appointment list of 2014/ 2015 based on collective bargaining agreements in effect and subject to provisions thereof any applicable laws governing this process and this appointment is effective through June 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, to approve Wenham Police Department annual appointment list of 2014/ 2015 Reserve Officers based on collective bargaining agreements in effect and subject to provisions thereof any applicable laws governing this process and this appointment is effective through June 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, to approve Wenham Police Department annual appointment list of 2014/ 2015 Matrons based on collective bargaining agreements in effect and subject to provisions thereof any applicable laws governing this process and this appointment is effective through June 2015. The motion carried unanimously.*

### **Hamilton Wenham Youth Soccer Association (HWYSA)**

The Town issued a RFP for the soccer fields at Iron Rail. Only the HWYSA submitted a proposal. Chairman Wilhelm reviewed this lease would commence May 2015 for an annual payment to the Town of \$5,000 for another 20 years. Mr. Andrews recommended the BOS consider a 10-year lease.

Mr. Wilhelm asked the Iron Rail Commission submit comments to the BOS at the next meeting.

## APPROVED 7-1-2014

John Clemenzi Iron Rail Commission said that the Iron Rail Commission was not included in any of the process of the RFP and did not have a copy of the lease. He added that this has been a long drawn out process and the Iron Rail Commission support executing this as quickly as possible.

Don Lake, HWYSA was recognized by the Chair. He noted this lease renewal began in 2010, was voted by Town Meeting in 2011 to proceed, and now a RFP process. He said suggested an auto renew lease process be adopted, but did not support a shortened term.

Mr. Whittaker recommended a lease escalator be a part of the discussions.

Ms. Harrison requested that the BOS be included in all the emails and communications.

Ted Bachelor, Chair of the Iron Rail Commission, echoed the sentiment that the lease approval be expedited.

## ESCO update

Mr. Andrews said that Wenham was selected to participate in the MAPC program for clean energy initiatives to purchase streetlights and retrofit with LED lighting. There are 399 streetlights in Wenham at a cost of \$47,000 annually. Preliminary discussions have taken place. A group purchase of LED with Hamilton, Salem, and Marblehead will be put in an RFP.

Sue Petrolia, Sustainability Coordinator noted that Wenham became green community and agreed to save 20% in energy over the next 5 years. Currently the Town is in year 4 and has saved about 10%.

Street light conversion has the most potential, although other projects have been identified.

Johnson Controls has done a preliminary report estimating the cost to convert the streetlights at \$200,000, less \$38,000 rebate, and less savings of \$20,000 annually, payback is estimated at 8 years.

## Boulder Lane- Update

Mr. Wilhelm reviewed that the Boulder Lane landowners met and agreed to a comprehensive study to be done by Mass Development for the best use of the property and a development strategy. Mass Development, and the Town of Wenham will contribute \$10,000 each and the two private family owners will each pay \$5,000 towards the total cost of \$30,000. It was noted a reserve fund transfer would need to be approved by the Finance Committee.

*Vote: Mr. Wilhelm moved and it was seconded, to proceed with the Comprehensive land study and approve the Town of Wenham, subject to a \$10,000 reimbursement from the private Boulder Lane landowners, to spend \$20,000 to proceed with proposal of Mass Development subject to the Finance Committee's approval of a Reserve Fund Transfer. The motion carried unanimously*

## OML

Mr. Wilhelm reviewed that a Open Meeting Law (OML) violation was filed against the BOS citing that the June 18, 2013 meeting agenda was not clear and did not appropriately state that the BOS would be discussing the Maple Street affordable housing project along with affordable housing on Friend Court. The Attorney General agreed with the complaint and the Town was so advised.

The complainant has agreed to proceed no further if satisfied that remedial action is taken:

1. To correct the agenda to clearly state the intention to authorize a \$30,000 loan from Affordable Housing Trust to Harborlight to study potential affordable housing on Maple Street
2. To reeducate the BOS on the details of open meeting law and commit BOS/ TA review OML and attempt to abide to the law
3. To review all ES minutes that have not been released to determine if any should be released. Mr. Wilhelm noted there are three sets of ES minutes not released; the June 18, 2013 minutes can be released.
4. The August 20, 2013 and January 7, 2014 minutes will continue to be held

The BOS agreed with the requests made, noting there was no intent to violate the OML or hide anything.

Ms. Harrison suggested that the process includes how the BOS intends to review the OML.

Mr. Wilhelm asked Mr. Andrews to take each Selectmen's statement that the OML were reviewed.

Mr. Andrews suggested the Town hold an OML seminar.

APPROVED 7-1-2014

*Vote: Mr. Whittaker moved, and it was seconded, to proceed with remediation as described to resolve this Open Meeting Law violation. The motion carried unanimously.*

### **Reports**

Mr. Andrews said an informational interview was held for the applicant for the Town Finance Director and the Town Accountant. The next step is for the screening Committee to be organized.

Chairman Wilhelm suggested the Town Finance Department meet with the top candidate and a Selectman.

Ms. Harrison requested to be involved in the interview process.

The Candidate will be consulted on the process going forward.

An RFP has been run in the central registry due in my Monday.

Contracted financial services are through July 31, 2014.

### **Appointment Process**

Mr. Andrews is in the process of working with the Chairs to confirm the interest of those up for reappointment; individuals need to affirm they are willing to be re-appointed. An order of importance of appointments will be identified in tiers with critical appointments the first tier i.e. public safety, and a second tier, and third tier include when the terms expire. Mr. Wilhelm asked that committees be reviewed to determine if they are still needed and configured appropriately. This will be on the agenda for the next meeting.

### **Minutes**

*Vote: Mr. Whittaker moved, and it was seconded, to release the executive session minutes of June 18, 2013. The motion carried unanimously with Ms. Harrison abstaining citing she was not a Selectman at that time.*

*Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of April 1, 2014. The motion carried unanimously with Ms. Harrison abstaining citing she was not a Selectman at that time.*

*Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of April 5, 2014. The motion carried unanimously with Ms. Harrison abstaining citing she was not a Selectman at that time.*

The minutes of **April 15, 2014 were held**. No action was taken.

*Vote: Mr. Whittaker moved to adjourn at 10:26 PM and it was unanimous to do so.*

Respectfully submitted by

Catherine Tinsley

5.16.14